



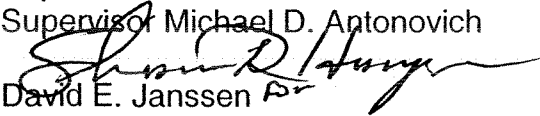
County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

August 1, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: 
David E. Janssen
Chief Administrative Officer

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STATE LEGISLATIVE UPDATE

Pursuit of Position on Legislation

Assembly Bill 1618 (Firebaugh), as amended on July 21, 2003, requires every rail company operating in California to develop a protocol for rapid communications with specified authorities in the event of a runaway train or derailment.

Existing law authorizes the State Public Utilities Commission to require every public utility, such as a rail company, to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public. AB 1618 addresses the responsibilities of rail companies and local authorities during emergency situations where there is a runaway train or derailment, or if a derailment appears to be imminent, by requiring the rail companies to develop a protocol for rapid communication with the Office of Emergency Services (OES) and any county sheriff's department in an endangered area. Thus, it appears that AB 1618 may require a rail company to report to the Office of Emergency Services (OES) first, and then to local authorities.

According to the Sheriff and the Fire Department, the proper protocol is to have the rail company report a runaway train to the Sheriff first, and then to the OES. In the event of a derailment, the rail company should report the incident to the Sheriff or local police first, and then to the OES. This will give the first responders the earliest possible notice of a situation and they will be able to respond in a timely manner. They recommend that AB 1618 be amended to require the rail companies to report such incidents directly to the Sheriff or local police as appropriate, and then report to the OES.

AB 1618 is consistent with current Board policy to seek legislation to adopt revised notification protocols to warn local authorities of a hazardous railroad-related situation or condition, and the Board order of July 8, 2003 pursuant to Supervisor Molina's motion regarding notification protocols to avoid future incidents such as the June 20, 2003 railroad accident. **Our Sacramento advocates will support AB 1618 and seek an amendment to require the rail companies to report such events first to the Sheriff or local police as appropriate, and then to the OES.**

AB 1618 is in the Senate Appropriations Committee, however, because the July 21, 2003 amendment deleted the original bill and substituted new language, the bill will be referred to the Senate Public Utilities Committee, and possibly to the Senate Transportation Committee for a full hearing. This bill is supported by the Union Pacific Railroad Company and there is no opposition on record.

County-supported AB 490 (Steinberg), which seeks to ensure all students in foster care have the opportunity to meet the same academic achievement standards as other students, and are placed in the least restrictive educational program with access to the same academic resources and services as other pupils, was amended on July 23, 2003.

Originally, among other things, AB 490 required the: 1) local educational agency to allow the foster youth to continue his or her education in the school they are currently attending for the duration of the school year, including transportation if necessary; and 2) State and the local educational agencies to adopt policies and procedures to ensure that transportation is provided to and from the school the foster youth last attended and to share such expenses between the schools and/or districts. Because of opposition by educational institutions regarding the transportation costs for youth whose foster placement is not in proximity to the school of choice, AB 490 was amended to strike language requiring the State Department of Education and local educational agencies to provide, arrange and pay for the child's transportation. Therefore, the bill is now silent on the issue of which agency/individuals will ultimately be held responsible for transportation costs.

County Counsel is concerned that although the amendments do not mandate that the County pays for transportation, it is anticipated that children's attorneys will seek a court order for such, pursuant to the language in the bill which provides that disputes concerning education and school placement decisions may be resolved by the juvenile court. County Counsel indicates that juvenile bench officers might simply order the Department of Children and Family Services (DCFS) to pay for expediency sake, and then leave it up to DCFS to obtain reimbursement from the local education agency or elsewhere. Although the bill provides that the local educational agency and county placing agency are encouraged to collaborate to ensure maximum utilization of available funding sources, if there is a dispute between the agencies over funding, there

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is a possibility that the education agency will claim that the Legislative intent was that they not have to bear the costs, as evidenced by the fact that the relevant bill language was stricken.

Currently drafted, AB 490 creates a new mandate and DCFS does not currently have data on how many children might need school transportation. Additionally, AB 490 does not identify a funding source for this purpose, but rather encourages the local educational agency and the county placing agency to collaborate to "ensure maximum utilization of available federal money, explore public-private partnerships, and access any other funding sources." **While our Sacramento Advocates will continue to support the bill, they will also seek provisions to avoid it becoming an unfunded mandate. AB 490 is set for hearing in the Senate Appropriations Committee on August 18, 2003.**

We will continue to keep you advised.

DEJ:GK
MAL:JF:JL:EW:ib

c: Executive Officer, Board of Supervisors
 County Counsel
 Local 660
 All Department Heads
 Legislative Strategist
 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities